

REMARKS

Status of the Claims

Claims 53-70 are currently pending in the application. Claims 1-52 have been cancelled herein without prejudice or disclaimer. Claims 53-70 are added herein. Support for new claims 53-70 is found throughout the specification and in cancelled claims 39-44. The subject matter of cancelled claims 1-52 are subject to a Restriction Requirement. Applicants traverse the Restriction Requirement as set forth herein. Reconsideration is respectfully requested.

Restriction Requirement/Election of Species

Claims 53-70 are subject to a Restriction Requirement under 35 U.S.C. §§ 121 and 372 for reciting inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. (*See*, Office Communication of February 1, 2007, at page 2, hereinafter, "Office Communication"). Applicants traverse as hereinafter set forth.

The Examiner states that the inventions of Groups I-XII, listed below, do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. (*Id.* at page 3). The Examiner further states that the PCT does not provide for multiple products or methods within a single application. (*Id.* at page 4, also citing 37 CFR 1.475(c)). The Examiner attributes the lack of a special technical feature to the fact that the claims are drawn to different structures having different biological functions, such as different catalytic activities, substrate specificity and selectivity. (*Id.* at page 5). The Examiner further states that all the claims appear to be directed to a method of degrading plastic

in the presence of a biosurfactant, wherein the biosurfactant is a plastic-binding protein and a plastic degrading enzyme. (*Id.*). The Examiner cites to Akutsu et al., *Appl. Environ. Microbiol.*, 64(1):62-67, 1988, to support the contention that this special technical feature is not a contribution over the prior art. (*Id.*).

The Examiner has required election in the present application between:

Group I, claims 1-38 and 45, drawn to a method of degrading pastic in the presence of a biosurfactant, wherein the biosurfactant is a plastic-binding protein and a plastic degrading enzyme;

Group II, claims 39-44, drawn to a transformant prepared by recombination with the use of at least one DNA selected from a group consisting of DNA comprising a gene encoding the surfactant, DNA comprising a gene encoding the plastic-binding protein and a DNA comprising the useful substance;

Group III, claims 46 and 47, drawn to an isolated polynucleotide encoding a polypeptide of SEQ ID NO:3;

Group IV, claims 48 and 49, drawn to an isolated polynucleotide encoding a polypeptide of SEQ ID NO:4;

Group V, claims 48 and 49, drawn to isolated polynucleotide encoding a polypeptide of SEQ ID NO:5;

Group VI, claims 50 and 51, drawn to isolated polynucleotide encoding a polypeptide of SEQ ID NO:6;

Group VII, claims 50-51, drawn to isolated polynucleotide encoding a polypeptide of SEQ ID NO:7; and

Groups VIII-XII, claim 52, drawn to isolated protein encoded by the gene of groups III-VII. (*Id.* at pages 2-3).

For the purpose of continuing prosecution of the present application, Applicants elect, with traverse, Group II, claims 53-70.

Applicants believe that new claims 53-70, all of which are supported by the original as-filed specification, especially by original (now cancelled) claims 39-44, recite the same subject matter as claims 39-44, the subject matter of which is designated as Group II of the Restriction Requirement. Applicants believe that all of new claims 53-70 are encompassed by the subject matter designated as Group II and thus should all be examined together in the instant application. As such, constructive election to Group II is hereby made by the present amendment, which is believed to be fully responsive to the Restriction Requirement.

Thus, reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

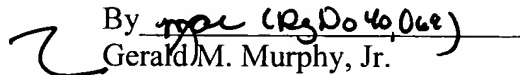
CONCLUSION

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: March 1, 2007

Respectfully submitted,

By  (RD 040,062)
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants